

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 63261-2-I
Respondent,)	
)	
v.)	DIVISION ONE
)	
MARLOW TODD EGGUM,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: August 16, 2010

PER CURIAM. Marlow Eggum appeals from a trial court order denying his motion for return of his property. Eggum's court-appointed attorney has filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), the motion to withdraw must:

[1] be accompanied by a brief referring to anything in the record that might arguably support the appeal. [2] A copy of counsel's brief should be furnished the indigent and [3] time allowed him to raise any points that he chooses; [4] the court--not counsel--then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous.

State v. Theobald, 78 Wn.2d at 185 (quoting Anders v. California, 386 U.S. at 744).

This procedure has been followed. Eggum's counsel on appeal filed a brief with the motion to withdraw. Eggum was served with a copy of the brief and informed of his right to file a statement of additional grounds for review. He has filed a pro se statement of additional grounds.

The facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and independently reviewed the entire record. The court specifically considered the following potential issues raised by counsel:

1. Did the trial court err in denying Eggum's motion for return of property?
2. Does substantial evidence support the trial court's finding of fact No. 12?

The court also considered the following additional issue raised by Eggum in his statement of additional grounds:

Should review be stayed or should the case be remanded for an evidentiary hearing?

The issues raised by Eggum and his appellate counsel are wholly frivolous.

Counsel's motion to withdraw is granted and the appeal is dismissed.

For the court:

Spencer, J.

Leach, a.c.j.

Cox, J.